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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,176	01/21/2004	Rudolph Schoendienst	BRECO 3.0-002	4772

530 7590 03/20/2007
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EXAMINER

CHARLES, MARCUS

ART UNIT	PAPER NUMBER
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3682

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/762,176

Applicant(s)

SCHOENDIENST, RUDOLPH

Examiner

Marcus Charles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 4,21-23 and 29-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-20 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is the first action on the merit responsive to the election filed 03-08-2007. Claims 1-34 are currently pending.

Drawings

1. The examiner has accepted the drawing filed with this application as formal drawing.

Election/Restrictions

2. Applicant's election with traverse of species 7 in the reply filed on 03-08-2007 is acknowledged. The traversal is on the ground(s) that the species are closely related and it would not be burdensome to examine all the species. This is not found persuasive because each of the species is different in structure and examination of each structure would have to be examined separately. The requirement is still deemed proper and is therefore made FINAL.

3. Claims 4, 21-22 and 29-34 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 03-08-2007.

Specification

4. The disclosure is objected to because of the following informalities: the following sub-titles are missing from the specification.

(1) Description of Related Art.

(2) Summary of the Invention.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Miranti, Jr. et al. (4,559,029). Miranti, Jr. et al. disclose a belt comprising a wave glide surface (38) extending in the longitudinal direction of the belt, the wave glide surface having an apex and a base portion (see area of 30 and 50).

In claims 2, note the teeth (32) having grooves (51) and ribs (39).

In claim 3, note the teeth extend the lateral side-to-side width of the belt.

In claim 4, note the teeth are located on opposite sides of the belt as compared with the wavy surface.

In claim 5, note the apex portion s adjacent the grooves of the teeth.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miranti, Jr. et al. in view of White, Jr. (5,334,107). Miranti, Jr. et al. do not disclose the channel as claimed. White, Jr. discloses a belt comprising a plurality of cog (91) on the back surface of the belt, wherein the cogs includes a cog channels (61B) running in the longitudinal direction of the belt. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt of Miranti, Jr. et al. so that the wavy surface on the back surface comprises a cog channels in view of White, Jr. in order to increase the flexibility of the belt and to reduce the heating effect on the belt.

In claim 10, note the cog channels have a geometric curve.

9. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miranti, Jr. et al. Breher (5,013,286). Miranti, Jr. et al. discloses a belt comprising a wave glide surface (38) extending in the longitudinal direction of the belt, the wave glide surface having an apex and a base portion. Miranti, Jr. et al. fails to disclose a tracking guide surface extending in the longitudinal direction of the belt. Breher discloses a belt having a tracking guide (26) in the longitudinal direction of the belt. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify

the belt of Miranti, Jr. et al to include a tracking guide surface to provide lateral balance and increase the rigidity of the belt.

In claim 12, note the tracking guide (26) than the heath of the apex of the rib (4).

In claim 13, note the belt of Miranti, Jr. et al. includes teeth having a plurality of ribs and grooves (see paragraph 6).

In claims 14-15, note Miranti, Jr. et al. disclose the claimed invention as in paragraph 6, above.

10. Claims 16-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Miranti, Jr. et al. in view of Breher as applied to claim 11 above, and further in view of White, Jr. Miranti, Jr. et al. discloses a belt comprising a wave glide surface (38) extending in the longitudinal direction of the belt, the wave glide surface having an apex and a base portion. Miranti, Jr. et al. fails to disclose a tracking guide surface extending in the longitudinal direction of the belt. Breher discloses a belt having a tracking guide (26) in the longitudinal direction of the belt. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the belt of Miranti, Jr. et al to include a tracking guide surface to provide lateral balance and increase the rigidity of the belt.

In claim 19, note the cog channels have slopping sides and a geometric curve.

11. Claims 6 and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miranti, Jr. et al. in view of Breher. In claims 23-24 and 27-28, Miranti, Jr. et al. discloses a belt comprising a wave glide surface (38) extending in the longitudinal direction of the belt, a plurality of the teeth (32) having grooves (51) and ribs (39),

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wherein the teeth extends the entire side to side width of the belt. Miranti, Jr. et al. do not disclose the channel as claimed. White, Jr. discloses a belt comprising a plurality of cog (91) on the back surface of the belt, wherein the cogs includes cog channels (61B) running in the longitudinal direction of the belt. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt of Miranti, Jr. et al. so that the wavy surface on the back surface comprises a cog channels in view of White, Jr. in order to increase the flexibility of the belt and to reduce the heating effect on the belt. In addition, Miranti, Jr. et al. fail to disclose the tooth groove. Berher discloses tooth groove having slot (recess 7) for reducing noise and supporting the neutral bending of the belt. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt of Miranti, Jr. et al. to include grooves in view of Beher for reducing noise and supporting the neutral bending of the belt.

In claim 25, note the teeth are located on opposite sides of the belt as compared with the wavy surface.

In claim 26, note the apex portion is adjacent the grooves of the teeth.


Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Breher (5,006,039) and Niino (6,123,039) disclose a belt with a tracking guide. Simon et al. (4,994,00), Westhoff (4,838,843). Ito et al. (6,620,068), Sloniesky et al. (4,662,863), Tanaka et al. (4,702,729) and Freedlander (1,890,080) disclose a belt with a wavy surface.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Marcus Charles
Primary Examiner
Art Unit 3682
March 18, 2007